

Derek W. Loeser, *admitted pro hac vice*
Gretchen Freeman Cappio, *admitted pro hac vice*
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
(206) 623-1900; Fax: (206) 623-3384
dloeser@kellerrohrback.com
gcappio@kellerrohrback.com

Jeffrey Lewis (Bar No. 66587)
KELLER ROHRBACK L.L.P.
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 463-3900; Fax: (510) 463-3901
jlewis@kellerrohrback.com

Attorneys for Plaintiffs
Additional Attorneys Listed on Signature Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHAHRIAR JABBARI and KAYLEE
HEFFELFINGER, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY AND WELLS
FARGO BANK, N.A.,

Defendants.

No. 15-cv-02159-VC

**STATEMENT OF PLAINTIFFS
REGARDING MOTION OF ANDREW
HOLLIS TO SET ASIDE OR VACATE
THE JUDGMENT**

Judge: Hon. Vince Chhabria

On October 25, Class Member Andrew Hollis filed a paper styled “Motion 59(e) and or 60(b) to Set-Aside Vacate Judgment,” ECF No. 425. Plaintiffs have not formally responded because they believe their Response to Petition of Andrew Hollis, Aug. 26, 2021, ECF No. 422, sufficiently responds to the arguments made in Mr. Hollis’s untimely motion. *See* Fed. R. Civ. P. 59(e), 60(c)(1). Plaintiffs wish to clarify, however, that they oppose the motion and disagree with a number of its assertions of fact. *See also Cassidy v. Tenorio*, 856 F.2d 1412, 1415 (9th Cir. 1988) (noting that the movant bears the burden of proving a justification for Rule 60(b) relief); *Hammer v. Drago (In re Hammer)*, 940 F.2d 524, 526 (9th Cir. 1991) (a conclusory “unsworn contention” could not carry the burden of showing entitlement to relief under Rule 60(b)).

Respectfully Submitted,

DATED this 16th day of November, 2021. KELLER ROHRBACK L.L.P.

By /s/ Derek W. Loeser
 Derek W. Loeser, *admitted pro hac vice*
 Gretchen Freeman Cappio, *admitted pro hac vice*
 Daniel P. Mensher, *admitted pro hac vice*
 Benjamin Gould (Bar No. 250630)
 KELLER ROHRBACK L.L.P.
 1201 Third Avenue, Suite 3200
 Seattle, WA 98101-3052
 (206) 623-1900; Fax: (206) 623-3384
 dloeser@kellerrohrback.com
 gcappio@kellerrohrback.com
 dmensher@kellerrohrback.com
 bgould@kellerrohrback.com

Jeffrey Lewis (Bar No. 66587)
 KELLER ROHRBACK L.L.P.
 300 Lakeside Drive, Suite 1000
 Oakland, CA 94612
 (510) 463-3900; Fax: (510) 463-3901
 jlewis@kellerrohrback.com

Matthew J. Preusch (Bar No. 298144)
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, CA 93101
(805) 456-1496; Fax: (805) 456-1497
mpreusch@kellerrohrback.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2021, service of this document was accomplished pursuant to the Court's electronic filing procedures by filing this document through the CM/ECF system.

/s/ Derek W. Loeser

Derek W. Loeser